

Robert S. Clark (Bar No. 4015)
Sara M. Nielson (Bar No. 13824)
rclark@parrbrown.com
snielson@parrbrown.com
PARR BROWN GEE & LOVELESS
101 South 200 East, Suite 700
Salt Lake City, Utah 84111
Tel: (801) 532-7840
Fax: (801) 532-7750

Ashley D. Kaplan (293443) (pro hac vice pending)
MUNGER TOLLES & OLSON
355 South Grand Ave., 35th Floor
Los Angeles, CA 90071
Tel: (213) 683-9100
Ashley.Kaplan@mto.com

Rohit K. Singla (213057) (pro hac vice pending)
Justin P. Raphael (292380) (pro hac vice pending)
MUNGER TOLLES & OLSON
560 Mission St., 27th Floor
San Francisco, CA 94105
Tel: (415) 512-4000
Rohit.Singla@mto.com
Justin.Raphael@mto.com

Attorneys for Defendant 1-800 Contacts, Inc.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

DANIEL J. BARTOLUCCI and EDWARD UNGVARSKY, on behalf of themselves and all others similarly situated,

Plaintiffs,

vs.

1-800 CONTACTS, INC.,

Defendant.

**NOTICE OF RELATED CASES AND
OF FORTHCOMING MOTION TO
CONSOLIDATE**

Case No: 2:17-cv-00273-JNP
Judge: Jill N. Parrish

Defendant 1-800 Contacts, Inc. (“1-800 Contacts”), by and through its undersigned counsel of record, hereby notifies the Court of the following related cases currently pending in this Court.

Thompson v. 1-800 Contacts, Inc., case no 2:16-cv-01183-TC (“*Thompson*”)
Henry v. 1-800 Contacts, Inc., case no 2:17-cv-00274-BCW (“*Henry*”)

Additionally, 1-800 Contacts expects that three other related cases will be transferred to this Court in the coming days. These cases (“Related Cases”) are:

Nance v. 1-800 Contacts, Inc., 4:17-cv-00178-JM (E.D. Ark.)
Bean v. 1-800 Contacts, Inc., No. 2:16-cv-05726-AB (E.D. Pa.)
Zimmerman v. 1-800 Contacts, Inc., 2:16-cv-06417-AB (E.D. Pa.)

Thompson, Henry, the Related Cases, and the instant matter involve common parties and common questions of law and fact, including allegations that 1-800 Contacts violated federal antitrust laws by entering into settlements of trademark litigation in this District. Based on the commonality that exists among these cases, 1-800 Contacts anticipates filing a motion to consolidate this case, *Henry*, and the Related Cases with *Thompson* once all the Related Cases are transferred to this Court, so that all of these related matters can be heard by Judge Campbell in *Thompson*. Indeed, Judge Campbell has already consolidated another related case (*Stillings v. 1-800 Contacts, Inc.*, case no 2:16-cv-1257-TS) with *Thompson*.

SUBMITTED this 10th day of April, 2017

PARR BROWN GEE & LOVELESS

By: /s/ Sara M. Nielson
Robert S. Clark
Sara M. Nielson
Attorneys for Defendant 1-800 Contacts, Inc.

CERTIFICATE OF SERVICE

On this 10th day of April, 2017, I hereby certify that I electronically caused to have filed the foregoing with the Clerk of Court using the CM/ECF system that will send an electronic notification to counsel of record for all of the parties.

PARR BROWN GEE & LOVELESS

/s/ Sara M. Nielson

Robert S. Clark (Bar No. 4015)
Sara M. Nielson (Bar No. 13824)
101 South 200 East, Suite 700
Salt Lake City, UT 84111
Telephone: 801-532-7840
Facsimile: 801-532-7750
rclark@parrbrown.com
snielson@parrbrown.com

**Attorneys for Defendant 1-800 Contacts,
Inc.**